

PLC back plane driver 56, a TCP/IP stack 54, and an Ethernet board kernel. The Web interface 16 provides access to the PLC back plane 34 by a remote user 2 through the Internet 14. The interface 16 also translates the industry standard Ethernet, TCP/IP and HTTP protocols used on the Internet into data recognizable to the PLC 32. Using this interface 16, the user 2 can retrieve all pertinent data regarding the operation of the programmable logic controller system 6.

Eady et al. describe a system 100 containing a server 102, a network 104, and a set of clients 106 with a set of medical monitoring devices 108 connected to set of clients 106. Each of the computer systems in set of clients 106 may include a variety of hardware components that are similar to server 102. Each computer system may also be equipped with an infra-red (IR) data port for connection to set of medical-monitoring devices 108. Network 104 is a network that operates with a variety of communications protocols to allow client-to-client and client-to-server communications such as, the Internet, implementing transfer control protocol/Internet protocol (TCP/IP). Set of medical monitoring devices 108 can be made of various components that have been calibrated and are capable of providing accurate date on various vital signs. Set of medical monitoring devices 108 is controlled through the use of a respective computer in set of computer system 106 to which it is connected.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify Papadopoulos et al. according to the teachings of Eady et al.. More specifically, it is respectfully submitted that a *prima facie* case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Although it is asserted within the Office Action that Papadopoulos et al. teach the present invention except for disclosing exchanging communications between the ISP server and a wireless user communication device, and that Eady et al. disclose exchanging communications between the ISP server and a wireless user communication device, however, Applicant submits that, in contrast to the present invention, Eady describes exchanging communications between a computer system and a set of medical-monitoring devices through an IR port, and the computer system exchanges communications with the ISP server.

Further, and to the extent understood, neither Papadopoulos et al. nor Eady et al., considered alone or in combination, describes or suggests the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method for controlling and monitoring an industrial controller using a portable wireless device, utilizing a system including a programmable logic controller (PLC), a local server, and a wireless Internet Service Provider (ISP), wherein the method includes" monitoring and controlling a system using a programmable logic controller (PLC)...exchanging communications between the PLC and a local server...exchanging

communications between the local server and an Internet Service Provider (ISP) server utilizing the Internet...exchanging communications between the ISP server and a wireless user communication device.”

The combination of Papadopoulos et al. and Eady et al. does not describe nor suggest a method for controlling and monitoring an industrial controller using a portable wireless device, and utilizing a system that includes a programmable logic controller (PLC), a local server, and a wireless Internet Service Provider (ISP), wherein the method includes monitoring and controlling a system using a programmable logic controller (PLC), exchanging communications between the PLC and a local server, exchanging communications between the local server and an Internet Service Provider (ISP) server utilizing the Internet, and exchanging communications between the ISP server and a wireless user communication device. No combination of Papadopoulos et al. nor Eady et al. describes or suggests exchanging communications between the ISP server and a wireless user communication device. Rather, in contrast to the present invention, Eady et al. describe exchanging communications between the ISP server and a computer system and exchanging communications between the computer system and a set of medical-monitoring devices through an IR port, but neither Papadopoulos et al. nor Eady et al. describes or suggests exchanging communications between the ISP server and a wireless user communication device. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Papadopoulos et al. in view of Eady et al.

Claims 2-8 depend from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-8 likewise are patentable over Papadopoulos et al. in view of Eady et al..

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 1-8 be withdrawn.

The rejection of Claims 9-18 under 35 U.S.C. § 103 as being unpatentable over Papadopoulos et al. in view of Eady et al. is respectfully traversed.

Papadopoulos et al. and Eady et al. are described above.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been an obvious to one of ordinary skill in the art to modify Papadopoulos et al. according to the teachings of Eady et al.. More specifically, it is respectfully submitted that a *prima facie* case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01.

Moreover, the Federal Circuit has determined that:

[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Although it is asserted within the Office-Action that Papadopoulos et al. teach the present invention except for disclosing a system for controlling and monitoring an industrial controller using a wireless device, said system comprising : a wireless user communication

device configured to exchange communication with said ISP server, and that Eady et al. disclose a system for controlling and monitoring an industrial controller using a wireless device, said system comprising : a wireless user communication device configured to exchange communication with said ISP server, however, Applicant submits that, in contrast to the present invention, Eady et al. describe a system that includes a server, a network, and a set of clients with a set of medical monitoring devices connected to set of clients through an infra-red (IR) data port. Notably, the medical monitoring devices are only configured to exchange communications with a respective one of the set of clients and not with an ISP server.

Further, and to the extent understood, neither Papadopoulos et al. nor Eady et al., considered alone or in combination, describes or suggests the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 9 recites a system for controlling and monitoring an industrial controller using a wireless device wherein the system includes "a programmable logic controller (PLC)...a local server configured to exchange communication with said PLC...a wireless Internet Service Provider (ISP) server configured to exchange communication with said local server using the Internet...a wireless user communication device configured to exchange communication with said ISP server."

The combination of Papadopoulos et al. and Eady et al. does not describe nor suggest a system for controlling and monitoring an industrial controller using a wireless device wherein the system includes a programmable logic controller (PLC), a local server configured to exchange communication with said PLC, a wireless Internet Service Provider (ISP) server configured to exchange communication with the local server using the Internet, and a wireless user communication device configured to exchange communication with the ISP server. No combination of Papadopoulos et al. nor Eady et al. describes or suggests a wireless user communication device configured to exchange communication with an ISP server. Rather, in contrast to the present invention, Eady et al. describe exchanging communications between the ISP server and a computer system and exchanging communications between the computer system and a set of medical-monitoring devices

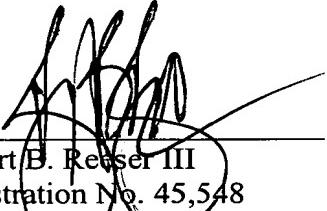
through an IR port, but neither Papadopoulos et al. nor Eady et al. describes or suggests a wireless user communication device configured to exchange communication with an ISP server. Accordingly, for at least the reasons set forth above, Claim 9 is submitted to be patentable over Papadopoulos et al. in view of Eady et al.

Claims 10-18 depend from independent Claim 9. When the recitations of Claims 10-18 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10-18 likewise are patentable over Papadopoulos et al. in view of Eady et al.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 10-18 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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